

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the Reinstatement
Application of

MICHAEL B. BOYER, D.D.S.

License 22DI 01286000

to Practice Dentistry in the State
of New Jersey

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 11-7-07 *BA*

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Board of Dentistry ("Board") upon the application of Michael B. Boyer, D.D.S., seeking to reinstate his license to practice dentistry in this State. The Board, by Order dated December 16, 2005, denied reinstatement and directed that any further petition should not be made sooner than September 2006. In that order, the Board suggested that Dr. Boyer participate with the Professional Assistance Program and, given his extended absence from the practice of dentistry, be prepared to demonstrate competency to practice at the time of re-application.

Dr. Boyer has now provided to the Board information from the Professional Assistance Program recommending his return to practice with continued participation with that Program and has provided proof of successful completion of a preceptorship in oral surgery at the University of Medicine and Dentistry. In addition, he has completed two oral surgery review courses and successfully passed the Diagnostic Simulated Clinical Examination administered by the North East Regional Boards. The Board is satisfied that Dr. Boyer has cooperated with the PAP, has demonstrated proficiency to practice oral and

maxillofacial surgery in this State, and gained sufficient insight into his behavior to warrant reinstatement of his license.

Dr. Boyer shall comply with the terms of this order and all statutory and regulatory requirements for licensure, including payment of required fees and submission of a criminal history background check. Should the criminal history background check reveal any information not previously reviewed by the Board, the license shall not issue until such time as the Board has reviewed the information and determines whether it is a bar to reinstatement or cause for placing restrictions on his license.

THEREFORE, IT IS ON THIS 7th DAY OF November, 2007;

ORDERED AND AGREED:

1. The application of Michael Boyer, D.D.S., to reinstate his license to practice dentistry in this State is granted. A license shall be issued upon payment of the reinstatement fee, the biennial renewal fee, and receipt of respondent's criminal history background check indicating no new arrests or convictions.

2. Dr. Boyer shall continue his participation in the Professional Assistance Program (PAP) and shall comply with the recommendations for treatment, including but not limited to:

(a) monthly face-to-face contact with representatives from that program for the first year after reinstatement; reductions in such meetings to be authorized by the Board after consideration of the recommendation of the PAP;

(b) attendance at support groups, NA or AA, at a minimum of three times per week;

(c) urine monitoring not less than twice a week for the first six months following reinstatement and not less than once a week for the following six months.

(d) Any reduction in attendance at support group meetings or urine monitoring is to be authorized by the Board after consideration of the recommendation of the PAP.

(e) continued counseling with his therapist until such time as the therapist and the PAP determine that therapy is no longer indicated. Dr. Boyer shall notify the Board if it is determined that his continued participation in therapy is deemed not necessary.

3. If respondent discontinues participation with the PAP or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the PAP, he shall be deemed in violation of this Order.

4. Respondent shall abstain from the use of all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with prior notification to the Executive Medical Director of the PAP of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

5. The PAP shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates recommended counseling or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

6. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Respondent shall notify the PAP if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.


7. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

8 (a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion,


deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

NEW JERSEY STATE BOARD OF DENTISTRY


Maxine Feinberg, D.D.S.
President

I have read and understand this
Consent Order and agree
to be bound by its terms. I consent
to the entry of this Order.


Michael Boyer, D.D.S.
10/24/2007

Date: